

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA,)
) Case No. 1:15-CR-00033-3
) (RJA) (HBS)
Plaintiff,)
)
vs.) September 23rd, 2022
) 10:10 a.m.
RODERICK ARRINGTON,)
)
Defendant.)

**TRANSCRIPT OF CONTINUATION OF
JURY TRIAL TESTIMONY OF HENRY LLOYD
BEFORE THE HONORABLE RICHARD J. ARCARA
SENIOR UNITED STATES DISTRICT JUDGE**

APPEARANCES:

For the Plaintiff: TRINI E. ROSS, ESQ.
UNITED STATES ATTORNEY
BY: JEREMIAH LENIHAN, ESQ.
ASSISTANT UNITED STATES ATTORNEY
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U.S. DEPARTMENT OF JUSTICE
ORGANIZED CRIME SECTION
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1 (The jury was present in the room at 10:10 a.m.)

2

3 CONTINUATION OF DIRECT EXAMINATION

10:10AM

4

10:10AM

5

BY MR. LENIHAN:

10:10AM

6

Q. Good morning, Mr. Lloyd.

10:10AM

7

A. Good morning.

10:10AM

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Q. Now, we were talking about, when we first left off

10:10AM

9

yesterday, about you having conversation with Mr. Arrington.

10:10AM

10

A. Yes.

10:10AM

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Q. Did Mr. Arrington ever tell you how he made money?

10:10AM

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A. Yes.

10:10AM

13

Q. What did he say?

10:10AM

14

A. He sold drugs.

10:10AM

15

Q. Anything else?

10:10AM

16

A. Yeah. And he take hits.

10:10AM

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Q. Now, you've cooperated previously with the government?

10:10AM

18

A. Yes.

10:10AM

19

Q. Prior to your -- actually, strike that. And was it known

10:11AM

20

that you had cooperated with the government previously?

10:11AM

21

A. Yes.

10:11AM

22

Q. Did Mr. Arrington become to trust you?

10:11AM

23

A. Yes.

10:11AM

24

Q. To your knowledge, why did he begin to trust you?

10:11AM

25

A. Because my previous case that I --

10:11AM 1 THE DEFENDANT: Objection, Your Honor.

10:11AM 2 THE COURT: Overruled. It's the perception of the
10:11AM 3 witness. 702. Go ahead.

10:11AM 4 THE WITNESS: He seen on my previous case that I went
10:11AM 5 to trial, and I didn't cooperate with the government on that
10:11AM 6 case. So, that gave me some -- a little bit more credibility
10:11AM 7 from what I've done in the past from cooperating with the
10:11AM 8 government.

10:11AM 9 BY MR. LENIHAN:

10:11AM 10 Q. And was in 2020?

10:11AM 11 A. Yes.

10:11AM 12 Q. Where you went to trial?

10:11AM 13 A. Yes.

10:11AM 14 Q. Did Mr. Arrington, in this timeframe in March, April of
10:11AM 15 2022, do you know if he was obtaining any discovery?

10:11AM 16 A. Yes.

10:11AM 17 Q. Can you describe what you knew about that?

10:11AM 18 A. The discovery he obtained, I want to say he was already
10:12AM 19 over there some time in April, April 2022. And he had
10:12AM 20 learned -- he got some discovery, had to go to the classroom
10:12AM 21 to look at it, and go through it, and he would come back and
10:12AM 22 talk to me about what he seen in the discovery.

10:12AM 23 Q. What did he tell you he saw?

10:12AM 24 A. He said the only new information that he seen in
10:12AM 25 discovery was about a homicide that was committed and some

10:12AM 1 individuals had said that he did it.

10:12AM 2 Q. Any letters he talked about?

10:12AM 3 A. Yes. He said about a letter from Jerome Grant.

10:12AM 4 Q. And do you remember when you told the government this
10:12AM 5 information?

10:12AM 6 A. May 2nd, 2022.

10:12AM 7 Q. Did he discuss anything about a drug ledger?

10:12AM 8 A. No. Never told me anything about that.

10:12AM 9 Q. So, in 2020, you were convicted in this court?

10:13AM 10 A. Yes.

10:13AM 11 Q. And since then, have you wrote letters to the Court?

10:13AM 12 A. Yes.

10:13AM 13 Q. Have you wrote letters to me?

10:13AM 14 A. Yes.

10:13AM 15 Q. And what's the general tenor of those letters?

10:13AM 16 A. In the beginning, the first letters was about my trial,
10:13AM 17 about government misconduct, that I thought the government
10:13AM 18 committed misconduct, about bringing my previous co-defendant
10:13AM 19 to my trial name of Tyrone Pennick, and also releasing my
10:13AM 20 proffers from the when I cooperated in the past.

10:13AM 21 Q. Were you upset with the government at that point?

10:13AM 22 A. Yes, I was.

10:13AM 23 Q. And what's your belief now?

10:13AM 24 A. I believe that it was just part of the strategy of you
10:13AM 25 guys fighting your case and me and my attorney fighting my

10:13AM 1 case.

10:13AM 2 Q. And what are you hoping to get out of you testifying here

10:13AM 3 today?

10:13AM 4 A. A downward departure for my sentencing.

10:13AM 5 Q. Do you know who ultimately decides that?

10:13AM 6 A. The Judge.

10:13AM 7 Q. Do you know what's required of you in order to for the

10:14AM 8 Judge to0?

10:14AM 9 A. Be fully cooperative and honest.

10:14AM 10 MR. LENIHAN: No further questions.

10:14AM 11 THE COURT: All right. We'll take a five-minute

10:14AM 12 recess, ladies and gentlemen. Sir, you can go back.

10:14AM 13 THE CLERK: All rise.

10:14AM 14 (The jury left the room at 10:14 a.m.)

10:15AM 15 THE COURT: We'll start cross at 10:25. Court will

10:15AM 16 be in recess.

10:15AM 17 THE CLERK: All rise.

10:24AM 18 (A recess was taken from 10:15 a.m. to 10:24 a.m.)

10:24AM 19 (The jury entered the room at 10:24 a.m.)

10:24AM 20 THE CLERK: All rise. You may be seated.

10:26AM 21 THE COURT: All right. Mr. Arrington?

10:26AM 22 THE DEFENDANT: Yes, sir.

10:26AM 23

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CROSS-EXAMINATION

BY THE DEFENDANT:

Q. How are you doing, Mr. Lloyd?

A. How are you doing, Mr. Arrington?

Q. Can you explain to the jury what the law library on the kiosk is for and why are they set up in county jails?

A. The kiosk in the law library is set up for you to research case law to best fit your argument when you file motions.

Q. Okay. And on the law library, is there cases and appeals and other case laws on there for pretrial detainees to have access to to file motions and to be able to cite case law for their oral arguments and for other motions?

A. Yes.

Q. Is it fair to say that once a person went to trial, and that conviction get overturned, and that case is remanded by a higher court back to the district for a new trial, that whole case will be on the law library as public information correct?

MR. LENIHAN: Objection.

THE COURT: Sustained.

THE DEFENDANT: Rephrase the question, Your Honor?

BY THE DEFENDANT:

Q. So, when you get your new case law off the kiosk, you

10:28AM 1 will be able to see anybody appeals?

10:28AM 2 A. Yes.

10:28AM 3 Q. And in those case law, it be precedent for those cases

10:28AM 4 winning appeals, correct?

10:28AM 5 A. Yes.

10:28AM 6 Q. And you can go in there any time of the day and research

10:28AM 7 and look up that case law for anybody that want an appeal,

10:28AM 8 correct?

10:28AM 9 A. Yes.

10:28AM 10 Q. Okay. So, say, for instance, if my case is on the law

10:29AM 11 library, that mean my whole case is exposed to anyone,

10:29AM 12 because my case is new case law and anybody can have access

10:29AM 13 to that information, correct?

10:29AM 14 A. Yes.

10:29AM 15 Q. So, if you go on the computer on the law library, you can

10:29AM 16 go in there and read my whole case, correct?

10:29AM 17 A. Yes.

10:29AM 18 Q. You done that before, right?

10:29AM 19 A. Yes.

10:29AM 20 Q. And you read my appeal and it have everything in there,

10:29AM 21 correct?

10:29AM 22 MR. LENIHAN: Objection.

10:29AM 23 THE COURT: Sustained.

10:29AM 24 BY THE DEFENDANT:

10:29AM 25 Q. You read my case law, correct?

10:29AM 1 A. Yes, I did.

10:29AM 2 Q. Pertaining to this case, correct?

10:29AM 3 A. Yes, I did.

10:29AM 4 Q. And it explains in great details of -- all the charges,

10:29AM 5 what I was charged with, what I was accused of. It explains

10:29AM 6 all that inside the case law, correct?

10:30AM 7 A. Yes, it do.

10:30AM 8 Q. Okay. Is it fair to say that you go on the kiosk all day

10:30AM 9 every day checking, looking up case laws, and checking to see

10:30AM 10 what's new, what got overturned?

10:30AM 11 A. Yes. That's all I do all day.

10:30AM 12 Q. Okay. Is my name new case law for this district, United

10:30AM 13 States v. Arrington, and why?

10:30AM 14 MR. LENIHAN: Objection.

10:30AM 15 THE COURT: Sustained.

10:30AM 16 BY THE DEFENDANT:

10:31AM 17 Q. Okay. So, is it fair to say you read my case on the

10:31AM 18 kiosk on many occasions, correct?

10:31AM 19 A. Yes.

10:31AM 20 Q. Explain to the jury when you went to trial and what was

10:31AM 21 your verdict.

10:31AM 22 A. I went to trial in -- I think it started August 19th and

10:31AM 23 ended September 2nd, 2020. And the verdict was guilty.

10:31AM 24 Q. And what you get found guilty of?

10:31AM 25 A. Five hundred grams or more of cocaine.

10:31AM 1 Q. Was you on probation at the time?

10:32AM 2 A. Yes.

10:32AM 3 Q. You was on supervised release, right?

10:32AM 4 A. Yes.

10:32AM 5 Q. And you was up under a cooperation agreement, correct?

10:32AM 6 A. Yes.

10:32AM 7 Q. And up under those conditions, you cooperation agreement,

10:32AM 8 you was not supposed to get in any trouble, correct; or leave

10:32AM 9 the state without getting permission from your parole

10:32AM 10 officer, correct?

10:32AM 11 A. That's not under the agreement, under the plea agreement.

10:32AM 12 You --

10:32AM 13 Q. So, you can commit crimes on --

10:32AM 14 A. No, you cannot commit crimes, but it's not in the plea

10:32AM 15 agreement.

10:32AM 16 Q. So, the conditions, when you have a cooperation

10:32AM 17 agreement, you saying that, your testimony right now, is that

10:32AM 18 you stating that one of the conditions is you can commit

10:32AM 19 crimes?

10:32AM 20 A. No. You cannot commit crimes.

10:32AM 21 Q. But -- okay. So, is one of the conditions that you can't

10:33AM 22 get in trouble; no arrests, commit any crimes, correct? If I

10:33AM 23 show you your plea agreement, would that refresh your

10:33AM 24 recollection?

10:33AM 25 A. Yes.

10:34AM 1 THE DEFENDANT: Can I mark this as an exhibit,
10:34AM 2 Defendant's Exhibit Number 1, plea agreement?

10:34AM 3 THE COURT: I don't think that's --

10:34AM 4 THE DEFENDANT: I have my own.

10:34AM 5 THE COURT: I don't think it's Exhibit Number 1.
10:34AM 6 What is the exhibit number?

10:34AM 7 THE DEFENDANT: No, this is my exhibit. I want to
10:34AM 8 mark it.

10:34AM 9 THE COURT: Yeah, but there's already been some
10:35AM 10 defense exhibits. I don't know what -- well, what exhibit
10:35AM 11 number would that be? What exhibit is that? Defendant's
10:35AM 12 Exhibit?

10:35AM 13 (An off-the-record discussion was held.)

10:35AM 14 THE COURT: This is the first Defendant's Exhibit? I
10:35AM 15 thought there was another one. All right. We'll mark it
10:35AM 16 Defendant's Exhibit 1.

10:36AM 17 (Defendant's Exhibit 1 was marked for identification.)

10:37AM 18

10:37AM 19 BY THE DEFENDANT:

10:37AM 20 Q. Did I refresh your recollection?

10:37AM 21 A. Give me a chance to read it, please.

10:37AM 22 THE COURT: Take your time and read it.

10:37AM 23 BY THE DEFENDANT:

10:37AM 24 Q. You' been handed Defense Exhibit Number 1. It's on page
10:38AM 25 13, line 27. Let me know when you done reading it?

10:38AM 1 A. It say up to the date until the defendant is sentenced.

10:38AM 2 My crime happened after I was sentenced.

10:38AM 3 Q. But it still says up under that --

10:38AM 4 A. Under the plea agreement. You said supervised release.

10:38AM 5 Q. The cooperation part. That's the cooperation part.

10:38AM 6 A. Yes. It says number 13, line 7 is the conditions of this

10:38AM 7 agreement that up through the --

10:38AM 8 THE COURT: Don't read it. Just look it over and

10:38AM 9 answer the question he poses.

10:39AM 10 THE WITNESS: Can you rephrase your question to me

10:39AM 11 again, please?

10:39AM 12 BY THE DEFENDANT:

10:39AM 13 Q. I said, when you took your plea agreement, and you came

10:39AM 14 into agreement for cooperation with the government, they gave

10:39AM 15 you 5K1, correct?

10:39AM 16 A. Correct.

10:39AM 17 Q. That mean you work for the government any time they need

10:39AM 18 you, testify at trials, cooperate fully?

10:39AM 19 A. Yes.

10:39AM 20 Q. And while you're on that agreement, there's conditions

10:39AM 21 that you don't commit any crimes, correct?

10:39AM 22 A. Yes.

10:39AM 23 Q. Okay. You committed a crime after that correct?

10:39AM 24 A. After I was sentenced.

10:39AM 25 Q. You committed a crime, correct?

10:39AM 1 A. Yes.

10:39AM 2 Q. Okay. And you went to Texas and committed crimes,

10:39AM 3 cocaine?

10:39AM 4 A. Yes.

10:39AM 5 Q. Money?

10:39AM 6 A. Yes.

10:39AM 7 Q. At the hotel? How much money you get caught with at the

10:39AM 8 hotel?

10:39AM 9 MR. LENIHAN: Objection, Judge. It's 608(b).

10:40AM 10 Specific instances.

10:40AM 11 THE COURT: Overruled. I'll allow it.

10:40AM 12 THE WITNESS: I never got caught with any money at

10:40AM 13 the hotel.

10:40AM 14 BY THE DEFENDANT:

10:40AM 15 Q. How much money did they confiscate at the hotel -- well,

10:40AM 16 airport?

10:40AM 17 A. Fifteen thousand.

10:40AM 18 Q. Fifteen thousand?

10:40AM 19 A. From my possession, yes.

10:40AM 20 Q. The total the amount of money they collected from you and

10:40AM 21 individuals?

10:40AM 22 A. Sixty-four thousand.

10:40AM 23 Q. Okay. And what year did you take your plea agreement?

10:40AM 24 A. 2012. June 2012.

10:40AM 25 Q. Okay. And right after that, you was called in to testify

10:40AM 1 at Jerry Rodney's trial, correct?

10:40AM 2 A. Not right after. Two years later.

10:40AM 3 Q. But during that time, you was called in to testify at

10:41AM 4 Jerry Rodney's trial, correct?

10:41AM 5 A. Yes.

10:41AM 6 Q. To get some time off, correct?

10:41AM 7 A. Yes. It was part of my plea agreement.

10:41AM 8 Q. Okay. And they gave you a slap on the wrist, correct?

10:41AM 9 A. No. No, they did not. I was in custody.

10:41AM 10 Q. And in 2012, June 14th, you was indicted for conspiracy

10:41AM 11 to commit money laundering, correct.

10:41AM 12 A. I was not indicted. It was a pre-indictment plea I took.

10:41AM 13 Q. But that's a plea -- an indictment plea, correct?

10:41AM 14 A. Yes.

10:41AM 15 Q. But you was originally charged with 848 kingpin status

10:41AM 16 with Tyrone Pennick, right?

10:41AM 17 A. No, sir.

10:41AM 18 Q. You was never indicted on a case with Tyrone Pennick for

10:41AM 19 drug conspiracy?

10:41AM 20 A. I was on a criminal complaint, not an indictment.

10:42AM 21 Q. And you agreed to cooperate the same day so you wouldn't

10:42AM 22 get indicted, and you took a plea to the criminal conspiracy

10:42AM 23 to commit money laundering, correct?

10:42AM 24 A. I don't understand your question. Could you rephrase

10:42AM 25 that, please?

10:42AM 1 Q. I said that when you was up under the criminal complaint
10:42AM 2 for drug conspiracy with Tyrone Pennick?

10:42AM 3 A. Yes.

10:42AM 4 Q. In order for you not to get indicted on that case, which
10:42AM 5 was kingpin 848 charges that they was going to bring down,
10:42AM 6 you cooperated with the government and you took a one-count
10:42AM 7 conspiracy to commit money laundering, correct?

10:42AM 8 A. On a criminal complaint. I think I was number 15. I was
10:42AM 9 already in federal custody when the charges got brung. The
10:42AM 10 only ones that was charged with 848 was Rodney Hill --

10:43AM 11 Q. That wasn't my question.

10:43AM 12 MR. LENIHAN: He's interrupting the witness, Your
10:43AM 13 Honor.

10:43AM 14 THE COURT: Well, ask the next question
10:43AM 15 Mr. Arrington.

10:43AM 16 BY THE DEFENDANT:

10:43AM 17 Q. In 2012, you was on probation still, correct?

10:43AM 18 A. Yes.

10:43AM 19 Q. November 29, 2012, you was still on supervised release,
10:43AM 20 correct?

10:43AM 21 A. Yes.

10:43AM 22 Q. And do you remember kicking in Amaja (phonetic) Anderson
10:43AM 23 basement window?

10:43AM 24 A. Yes.

10:43AM 25 Q. And you remember going over there threatening and arguing

10:43AM 1 and trying to fight while you were on probation? You went to
10:43AM 2 jail this night, correct?
10:43AM 3 A. Yes.
10:43AM 4 Q. And you committed this crime on probation knowing that
10:44AM 5 you on probation, cooperation agreement, and you still
10:44AM 6 committed this crime, correct?
10:44AM 7 A. Yes.
10:44AM 8 Q. Domestic violence, correct?
10:44AM 9 A. Yes.
10:44AM 10 Q. Then, on March 16th, 2016, you still on probation,
10:44AM 11 correct?
10:44AM 12 A. Yes.
10:44AM 13 Q. And you still on supervised release, still up on a
10:44AM 14 cooperation agreement with the government, correct?
10:44AM 15 A. No.
10:44AM 16 Q. Not at this time?
10:44AM 17 A. After you get sentenced, you're not under a plea
10:44AM 18 agreement anymore. You're sentenced.
10:44AM 19 Q. Okay. But you was still --
10:44AM 20 A. Under supervised release, you got to follow by the terms
10:44AM 21 and conditions of supervised release. It's not a plea
10:44AM 22 agreement.
10:44AM 23 Q. Okay. But was you still with the 5K1 cooperation?
10:44AM 24 A. Yes.
10:44AM 25 Q. With the government?

10:44AM 1 A. Yes.

10:45AM 2 Q. That always stays with you, correct?

10:45AM 3 A. Yes.

10:45AM 4 Q. Okay. So, on March 16th, you tested positive for cocaine

10:45AM 5 and got in a serious car accident, correct?

10:45AM 6 A. I tested positive for cocaine on several occasions, not

10:45AM 7 while I got into a serious car accident.

10:45AM 8 Q. So, you wasn't high on cocaine when you got into a

10:45AM 9 serious car accident?

10:45AM 10 A. No, sir.

10:45AM 11 Q. No, sir. And on June 15, 2016, United States Probation

10:45AM 12 conducted a search of your residence as well at 183 Royal

10:45AM 13 Street and they discovered small personal use of marijuana

10:45AM 14 and drug paraphernalia, packaging material, and scales,

10:46AM 15 correct?

10:46AM 16 A. Yes, that's correct.

10:46AM 17 Q. And you doing this all while you up under the 5K1

10:46AM 18 cooperation with the government, correct?

10:46AM 19 A. That was a rental property. I wasn't even living there.

10:46AM 20 They searched the apartment, the house, because it's under my

10:46AM 21 name and I own it.

10:46AM 22 Q. Probation?

10:46AM 23 A. Probation did, but that house was rented out to somebody.

10:46AM 24 Q. Okay. Was you charged for it?

10:46AM 25 A. No, I was not.

10:46AM 1 Q. Okay. When you got caught with the drugs in Texas, did
10:46AM 2 you get permission from your parole officer to leave out of
10:46AM 3 the state?

10:46AM 4 A. No.

10:46AM 5 Q. You just did it on your own, just --

10:46AM 6 A. Yes.

10:46AM 7 Q. Okay. Is it fair to say that you just commit crimes, do
10:47AM 8 what you want to do, cooperate with the government, because
10:47AM 9 you know you're going to get a slap on the wrist?

10:47AM 10 A. No. That's not fair to say.

10:47AM 11 Q. Is it fair to say that every time you get in trouble that
10:47AM 12 you know you can get out of any of your troubles because you
10:47AM 13 up under a cooperation agreement with the government, and
10:47AM 14 they know you willing to say and do anything they tell you to
10:47AM 15 do, correct? And you can just continue committed crimes,
10:47AM 16 right?

10:47AM 17 A. No.

10:47AM 18 Q. So, when you blew trial and you got a guilty verdict, you
10:47AM 19 was facing -- the minimum was 10 years to life correct?

10:47AM 20 A. Yes.

10:47AM 21 Q. So, right now, you're facing life maximum?

10:47AM 22 A. No.

10:47AM 23 Q. If I show you -- you haven't been sentenced yet correct?

10:48AM 24 A. No.

10:48AM 25 Q. And what is your maximum sentence?

10:48AM 1 A. Ten years.

10:48AM 2 Q. Ten years your maximum?

10:48AM 3 A. Yes.

10:48AM 4 Q. Can I show the defendant -- I can show the witness

10:50AM 5 Exhibit Number 3614A? Does that refresh your recollection?

10:51AM 6 A. Yes, it do.

10:51AM 7 Q. And this is your sentencing cooperation agreement,

10:51AM 8 correct?

10:51AM 9 A. Yes.

10:51AM 10 Q. And it's dated for August 31st, 2022, correct?

10:51AM 11 A. Yes, sir.

10:51AM 12 Q. Can you -- line 1, can you read to the jury what it

10:51AM 13 states?

10:51AM 14 A. Defendant Henry Lloyd and the United States Attorney of

10:51AM 15 the Western District of New York --

10:51AM 16 Q. No. I'm talking about line 1, the possible -- paragraph

10:52AM 17 1. The possible sentence.

10:52AM 18 A. Okay. "On September 2nd, 2020, defendant was convicted

10:52AM 19 by a jury verdict Count 1 of the indictment which charges the

10:52AM 20 violation of Title 21 United States Code, Section 846,

10:52AM 21 conspiracy to possess with intent to distribute and to

10:52AM 22 distribute 500 grams or more of cocaine for which the

10:52AM 23 possible sentence is a term of the minimum of the years and

10:52AM 24 maximum of life" --

10:52AM 25 Q. Slow down. Slow down, please.

10:52AM 1 A. Yes.

10:52AM 2 Q. Could you start back where it say, "for which the

10:52AM 3 possible sentence is a term of" -- can you start from there

10:52AM 4 and read it slow so the jurors can hear you.

10:52AM 5 A. The minimum of 10 years and a maximum of life up to a

10:52AM 6 fine of \$8 million.

10:52AM 7 Q. Okay. So, you is facing life, correct?

10:52AM 8 A. Not after signing this plea agreement.

10:52AM 9 Q. Not after signing this?

10:52AM 10 A. The sentencing agreement. If you go to page 3, paragraph

10:52AM 11 1, it is the understanding of the government and the

10:53AM 12 defendant that with a total offense level 24 and a criminal

10:53AM 13 history category IV, the defendant's sentencing range would

10:53AM 14 be a term of imprisonment of 120 months, a fine of 20,000 to

10:53AM 15 \$8 million, and a period of supervised release for eight

10:53AM 16 years. So, part of this agreement, I'm not facing the

10:53AM 17 maximum of life anymore. It's only 10 years.

10:53AM 18 Q. Right. It's up to the Judge, though, correct?

10:53AM 19 A. Yes. The Judge has the last say so. Yes.

10:53AM 20 Q. And this is why you testifying here today, because you're

10:53AM 21 trying to get released on bail also? Not just the 10 years,

10:53AM 22 you want to get released on bail, and get lesser than 10

10:53AM 23 years, correct, for your testimony here today, correct?

10:53AM 24 A. Not just for my testimony here, for other cooperation as

10:53AM 25 well.

10:53AM	1	Q. I didn't hear you.
10:53AM	2	A. Not just for my testimony here, but for other cooperation
10:53AM	3	as well, not just for the cooperation with you.
10:54AM	4	Q. So, you cooperated prior to this?
10:54AM	5	A. Yes.
10:54AM	6	Q. Okay. Was you promised anything?
10:54AM	7	A. No, sir.
10:54AM	8	Q. Okay. On redirect, the witness to Exhibit 3614L, that
10:55AM	9	letter refresh your recollection?
10:55AM	10	MR. LENIHAN: There was no question.
10:55AM	11	THE DEFENDANT: Okay.
10:55AM	12	THE COURT: Sustained.
10:55AM	13	BY THE DEFENDANT:
10:55AM	14	Q. Do you remember writing the Judge and telling the Judge
10:55AM	15	about how you feeling that the government is treating you
10:55AM	16	spiteful or they being spiteful or committing misconduct
10:55AM	17	toward you? You remember that letter to the Judge?
10:55AM	18	A. Yes.
10:55AM	19	Q. Okay. And you was mad because they was supposed to give
10:56AM	20	you -- so you can get your 5K1 points to get your time
10:56AM	21	reduced, correct?
10:56AM	22	A. I was mad because they was using my Grand Jury
10:56AM	23	transcripts and letting the agent testify on the behalf, when
10:56AM	24	I testified at a Grand Jury. And I felt like they should
10:56AM	25	allowed me to testify instead of using the agent.

10:56AM 1 Q. And you felt that they was doing this, being spiteful
10:56AM 2 because they was mad at you because you went to trial with
10:56AM 3 Roman Dunnigan, right?

10:56AM 4 A. Yes.

10:56AM 5 Q. And you felt that they wasn't going to give you your 5K1
10:56AM 6 points so you can get a slap on the wrist for losing trial,
10:56AM 7 correct?

10:56AM 8 A. No. They put my life in jeopardy I felt like.

10:56AM 9 Q. How they put your life in jeopardy?

10:56AM 10 A. Because of Tyrone Pennick and what he's capable of doing
10:57AM 11 and what he done in the past. So, I felt like if they was
10:57AM 12 putting my life on the line without using me, I should have
10:57AM 13 got some credit for it.

10:57AM 14 Q. Okay. And how many times did they do this to you?

10:57AM 15 A. That was the first time at my trial.

10:57AM 16 Q. So, is it true that you did over 100 proffers for them
10:57AM 17 and you felt like they use you and abuse you?

10:57AM 18 A. I can't count how many proffers I have done with the
10:57AM 19 government, but it's probably over 100.

10:57AM 20 Q. And you proffered over 100 times for the government from
10:57AM 21 2009 to 2020, correct?

10:57AM 22 A. Yes, 2022 now.

10:57AM 23 Q. So, is it fair to say you've been committed crimes,
10:57AM 24 getting in trouble, cooperating with the government for 11
10:57AM 25 years now and you feel like they just use and abuse you when

10:58AM 1 you want?

10:58AM 2 A. No. I don't feel that way anymore after talking to the
10:58AM 3 government and my lawyer.

10:58AM 4 Q. For your testimony here today, correct; because you could
10:58AM 5 possible get bail, you could possibly get time served without
10:58AM 6 having to go to prison, correct?

10:58AM 7 A. Nothing is promised, and my lawyer is going to do
10:58AM 8 whatever he need to do for my best interest.

10:58AM 9 Q. So, when you commit crimes and you go to trial and you
10:58AM 10 facing jurors, and you know you commit these crimes, and you
10:58AM 11 know you on probation or you up under an agreement with the
10:58AM 12 government, and you still commit these crimes, and it's like
10:58AM 13 a pattern for 11 years now since your over first case, that
10:58AM 14 you cooperate with the government and feel like you can just
10:58AM 15 get out of any trouble, and commit any crimes when you want,
10:58AM 16 to come in and testify against people, correct?

10:59AM 17 A. No.

10:59AM 18 Q. You know you can always depend on the government,
10:59AM 19 correct?

10:59AM 20 A. No. The government doesn't work like that.

10:59AM 21 Q. Doesn't work like that?

10:59AM 22 A. No.

10:59AM 23 Q. Is it true you wrote Mr. Lenihan and said, let's continue
10:59AM 24 to help each other? I just want what's right and fair. And
10:59AM 25 the case they wanted to use you for, they just had you

10:59AM 1 sitting around, denying all your bails, and you was getting
10:59AM 2 fed up, correct?
10:59AM 3 A. Yes, but did you just listen to yourself read it? Let's
11:00AM 4 continue to help each other. What's fair and what's right.
11:00AM 5 Q. Right?
11:00AM 6 A. That means that I was never promised or guaranteed
11:00AM 7 anything.
11:00AM 8 Q. But this is y'all relationship. You can always count on
11:00AM 9 the government to set you free for your cooperation, correct?
11:00AM 10 A. No, sir.
11:00AM 11 Q. You remember saying that in a letter?
11:00AM 12 A. I never said I could count on the government to set me
11:00AM 13 free in a letter. No, sir. I never said that.
11:00AM 14 Q. So, what do you mean -- explain that the jury when you
11:00AM 15 said, let's continue to help each other, but I want what's
11:00AM 16 right and fair. The case they want you to -- they want to
11:00AM 17 use you for, there's not a trial date in sight yet. That was
11:00AM 18 about my case, correct?
11:00AM 19 A. I'm not sure, because there's another trial that doesn't
11:00AM 20 have a trial date set, so I'm not sure if it was your trial
11:00AM 21 or a trial I'm supposed to be testifying in.
11:00AM 22 Q. So, is it fair to say that they use you for any trial
11:01AM 23 they want you to use you for because they know you going to
11:01AM 24 come in there and say what they want you to say, correct?
11:01AM 25 A. No. That's not correct.

11:01AM 1 Q. So, the next trial you're about to testify to, who is
11:01AM 2 this person?

11:01AM 3 MR. LENIHAN: Objection.

11:01AM 4 THE COURT: Sustained.

11:01AM 5 BY THE DEFENDANT:

11:01AM 6 Q. Do you know the person?

11:01AM 7 A. Yes.

11:01AM 8 Q. He's in Cattaraugus County, too?

11:01AM 9 MR. LENIHAN: Objection.

11:01AM 10 THE WITNESS: No.

11:01AM 11 THE COURT: Sustained. Well, all right.

11:01AM 12 BY THE DEFENDANT:

11:01AM 13 Q. You was asked on direct and you testified that I gave
11:02AM 14 Letorrance Travis \$73,000 before he went -- before he got
11:02AM 15 arrested in 2011. You testified under oath, correct?

11:02AM 16 A. Yes.

11:02AM 17 Q. And that's true, correct?

11:02AM 18 A. Yes.

11:02AM 19 Q. But your prior testimony, you to testified under oath in
11:02AM 20 the interview with Mr. Lenihan and agents and you also
11:02AM 21 testified under oath -- do you remember the May 5th -- I
11:03AM 22 mean, May 26, 2022 interview with Mr. Lenihan and agents?

11:03AM 23 A. Yes.

11:03AM 24 Q. And you testified under oath. You was being truthful,
11:03AM 25 correct?

11:03AM 1 A. I was being truthful but I wasn't under oath.

11:03AM 2 Q. Okay. But it's a sworn statement, correct?

11:03AM 3 A. Yes. Once it's committed -- that evidence to the Court,

11:03AM 4 yes.

11:03AM 5 Q. Everything you say to them in any type of interviews, you

11:03AM 6 got to testify honestly?

11:03AM 7 A. Yes.

11:03AM 8 Q. No false testimony, correct?

11:03AM 9 A. No false testimony.

11:03AM 10 Q. So, at this hearing, you stated that Arrington owed

11:03AM 11 Travis \$73,000 and gave it to Travis the day before Arrington

11:04AM 12 got locked up. Lloyd stated that the money belonged to the

11:04AM 13 Mexicans. Remember that?

11:04AM 14 A. The day before Arrington got locked up? No. I never

11:04AM 15 said the day before Arrington got locked up.

11:04AM 16 Q. If I show you a copy of this exhibit, would it refresh

11:04AM 17 your recollection?

11:04AM 18 A. Yes. I would love to see that.

11:04AM 19 THE DEFENDANT: I want to direct the Court to 3614E,

11:04AM 20 page 202 on the back top line. Do you remember that

11:05AM 21 testimony?

11:05AM 22 MR. LENIHAN: Objection. Mischaracterization.

11:05AM 23 It's --

11:05AM 24 THE COURT: Sustained. Rephrase the question,

11:05AM 25 please.

11:05AM 1 BY THE DEFENDANT:

11:05AM 2 Q. You testified on direct that I gave Travis \$73,000 before
11:05AM 3 he got arrested in 2011. You testified today and said that I
11:05AM 4 give him \$73,000 before he got arrested in 2011, correct?

11:06AM 5 That was your testimony today?

11:06AM 6 A. Before he got arrested.

11:06AM 7 Q. Right. Before he got arrested in 2011, right?

11:06AM 8 A. Yes.

11:06AM 9 Q. But your testimony, sworn testimony, you stated that I
11:06AM 10 gave Letorrance Travis \$73,000 before I got arrested in 2014.

11:06AM 11 MR. LENIHAN: Objection. Mischaracterization.

11:06AM 12 THE DEFENDANT: Will you read it to the jurors?

11:06AM 13 THE COURT: You're talking about the testimony?

11:06AM 14 THE DEFENDANT: Yes, Your Honor. The testimony --

11:06AM 15 THE REPORTER: Hold on. On at a time.

11:06AM 16 THE DEFENDANT: Either he's lying here --

11:06AM 17 MR. LENIHAN: Judge --

11:06AM 18 THE DEFENDANT: Either he's lying here or he lied to
11:06AM 19 the government, Your Honor, and I'm just trying to show the
11:06AM 20 jurors that he lied under oath, and when he --

11:06AM 21 THE COURT: That will be up to the jury to decide
11:06AM 22 that issue. The problem is, you're saying the word testimony.
11:06AM 23 It's a statement, I guess, sworn to.

11:06AM 24 MR. LENIHAN: It's a proffer interview report written
11:06AM 25 by an agent.

11:06AM 1 THE COURT: It's not testimony.

11:06AM 2 MR. LENIHAN: And it wasn't --

11:06AM 3 THE COURT: Rephrase your question.

11:07AM 4 BY THE DEFENDANT:

11:07AM 5 Q. You stated under oath today?

11:07AM 6 A. Yes.

11:07AM 7 Q. That I gave Travis \$73,000 before he got arrested in

11:07AM 8 2011?

11:07AM 9 A. Yes.

11:07AM 10 Q. You said this today under oath?

11:07AM 11 A. Yes.

11:07AM 12 Q. In May 26th 2022, you stated something different. Which

11:07AM 13 one is true?

11:07AM 14 A. I never stated nothing different.

11:07AM 15 Q. Can you read the first line?

11:07AM 16 A. I read the first line.

11:07AM 17 Q. Can you read it out loud?

11:07AM 18 A. Mr. Lloyd stated that Arrington owed --

11:07AM 19 MR. LENIHAN: Judge, objection. This is not his

11:07AM 20 statement. This is an agent report. It's a 302.

11:07AM 21 THE COURT: It's a 302?

11:07AM 22 MR. LENIHAN: Yes.

11:07AM 23 THE COURT: It's not a statement.

11:07AM 24 THE DEFENDANT: So --

11:07AM 25 THE COURT: Show him the document. See if it

11:07AM 1 refreshes his memory. He'll answer it yes or no and if it

11:08AM 2 does refresh his memory, how does it refresh his memory.

11:08AM 3 That's the way you ask the question.

11:08AM 4 BY THE DEFENDANT:

11:08AM 5 Q. You remember giving that testimony?

11:08AM 6 A. I remember saying that you owed Letorrance Travis 73,000

11:08AM 7 because you told me that. And I never said you -- the day

11:08AM 8 before you got locked up. This is a misprint. I did not

11:08AM 9 write this. The agents must have mixed something up when

11:08AM 10 they was missing what I was saying, but this is not anything

11:08AM 11 that I wrote or anything that -- some of it is true, is what

11:08AM 12 I said, but clearly you wasn't locked up. Letorrance got

11:08AM 13 locked up.

11:08AM 14 Q. So, you said that in this interview, this is not your

11:08AM 15 testimony or your statement?

11:08AM 16 A. That's not what I said.

11:08AM 17 Q. That's not what you said?

11:08AM 18 A. It must have been a mistype or they must have been -- I

11:08AM 19 talk about so much stuff in the interviews and agents just

11:08AM 20 sit there writing anything down on a pad of paper. They must

11:09AM 21 have mistyped this when they typed this up.

11:09AM 22 Q. So, most everything on here can be mistype, correct?

11:09AM 23 A. Yes. That's very much correct.

11:09AM 24 Q. Okay. But is it fair to say that it's two different

11:09AM 25 statements being given, correct?

11:09AM 1 MR. LENIHAN: Objection.

11:09AM 2 THE WITNESS: No.

11:09AM 3 THE COURT: Sustained. That's not his statement.

11:09AM 4 It's a document that was prepared by the FBI. And was sworn

11:09AM 5 to in an interview. Have you ever seen that before?

11:09AM 6 THE WITNESS: It happened to me in previous trials.

11:09AM 7 Yes.

11:09AM 8 THE COURT: Did you ever adopt it?

11:09AM 9 THE WITNESS: No.

11:09AM 10 THE COURT: All right. Anything further?

11:10AM 11 THE DEFENDANT: No further questions for this

11:10AM 12 witness.

11:10AM 13 MR. LENIHAN: Brief redirect, Your Honor.

11:10AM 14 THE COURT: All right.

11:10AM 15

11:10AM 16 REDIRECT EXAMINATION

11:10AM 17

11:10AM 18 BY MR. LENIHAN:

11:10AM 19 Q. Now, Mr. Lloyd, Mr. Arrington was asking you about

11:10AM 20 looking up case law, going on the computer?

11:10AM 21 A. Yes.

11:10AM 22 Q. Are the details of a case contained within case law?

11:10AM 23 A. No details, just basically what you was charged with and

11:10AM 24 what people testified to, but it doesn't go into detail.

11:10AM 25 Q. For example, would it have all the people that were at an

11:10AM 1 alleged murder crime?

11:10AM 2 A. No.

11:10AM 3 Q. And is there any case law out there about the murder of
11:10AM 4 Josh?

11:10AM 5 A. No.

11:10AM 6 Q. Is there any case law out there about Letorrance, about
11:11AM 7 the defendant owing Letorrance Travis \$73,000?

11:11AM 8 A. No.

11:11AM 9 Q. So, how did you learn this?

11:11AM 10 A. Mr. Arrington told me.

11:11AM 11 Q. And you know Mr. Arrington?

11:11AM 12 A. Yes.

11:11AM 13 Q. Just to clear up the plea agreement that you had, that
11:11AM 14 was in 2012?

11:11AM 15 A. What, the first one?

11:11AM 16 Q. The Defense Exhibit Number 1?

11:11AM 17 A. Yes.

11:11AM 18 Q. And then, pursuant to that plea agreement, did you enter
11:11AM 19 into a cooperation agreement?

11:11AM 20 A. Yes.

11:11AM 21 Q. Did you testify pursuant to that cooperation agreement?

11:11AM 22 A. Yes.

11:11AM 23 Q. And then you committed a crime after you were sentenced
11:11AM 24 you said?

11:11AM 25 A. Yes.

11:11AM 1 Q. Did you believe that you were still under that
11:11AM 2 cooperation agreement?
11:11AM 3 A. No.
11:11AM 4 Q. And you expressed that -- did you have frustrations with
11:11AM 5 the government as to your prosecution in 2020?
11:11AM 6 A. Yes.
11:11AM 7 Q. And what was your understanding as to why your prior
11:11AM 8 cooperation couldn't be used to help you out in 2020?
11:12AM 9 A. What my idea?
11:12AM 10 Q. What's your understanding?
11:12AM 11 A. My understanding is because -- I guess because I wouldn't
11:12AM 12 take a plea and cooperate.
11:12AM 13 Q. And then also you committed another crime?
11:12AM 14 A. Yes.
11:12AM 15 Q. Is it -- so Mr. Arrington said that you can do whatever
11:12AM 16 you want and get out of trouble; is that fair to say?
11:12AM 17 A. No.
11:12AM 18 Q. How much time have you served right now?
11:12AM 19 A. Fifty-two months.
11:12AM 20 Q. And you're looking at -- can you explain to the jury the
11:12AM 21 difference between mandatory minimum and guidelines?
11:12AM 22 A. A mandatory minimum is, when you got a mandatory minimum,
11:12AM 23 the Judge cannot go under the mandatory minimum. And the
11:12AM 24 federal guidelines is, they go by your category and your
11:12AM 25 criminal history. And whatever the level that the offenses

11:12AM 1 were, and they sentence you. The Judge got to sentence you
11:12AM 2 within those guideline. But if you have a mandatory minimum,
11:12AM 3 he cannot go under those mandatory minimum. He have to
11:13AM 4 sentence you at minimum to the mandatory minimum.
11:13AM 5 Q. By testifying here today, are you hoping to get
11:13AM 6 underneath the mandatory minimum?
11:13AM 7 A. Yes. The only way you get under a mandatory minimum is
11:13AM 8 with cooperation. And I'm hoping that the Judge will give me
11:13AM 9 a sentencing reduction for my cooperation.
11:13AM 10 Q. Do you believe you were treated fairly by the government?
11:13AM 11 A. Do I believe I'm treated fairly by the government? Now,
11:13AM 12 yes.
11:13AM 13 MR. LENIHAN: No further questions, Your Honor.
14 (The witness was excused at 11:13 a.m.)
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I certify that the foregoing is a
correct transcription of the proceedings
recorded by me in this matter.

s/ Megan E. Pelka, RPR

Official Court Reporter